

GOVERNMENT OF ANDHRA PRADESH

ABSTRACT

Police - SAR CPL, Amberpet, Hyderabad - M. Venkateshwarlu, Ex. PC 1273
Reinstated into service- Orders - Issued.

HOME (SER.II) DEPARTMENT

G.O.Rt.No. 1241

Dated:30-6-2008

Read the following:

From the DGP, AP, Hyderabad, Lr.Rc.No. 1841/ Appeal-4/2007, dt 6-2-08

Order:

The DGP, AP, Hyderabad, in his letter read above, has reported that the Commandant, SAR CPL has awarded punishment of "Dismissal from service" on Sri M.Venkateshwalru, P.C. 1273 of SAR CPL, Amberpet by invoking sub-rule of 25 APCS (CC&A) Rules 1991 r/w G.O.Ms.No. 2 GA (Ser.C) Dept., Dt: 4-1-91, as the said PC was convicted by the Judicial I Magistrate I class Mahaboobnagar District in CC No. 680/2000 for his involvement in offences punishable u/s 498-A and 494 IPC of Lingal PS Mahaboobnagar District.

2. The DGP, AP, Hyderabad has also reported that during the pendency of Crl Appeal No. 18/2003 in the above case in Higher court, the matter has been referred to Lok Adalat and the offence was compounded by the de-facto complainant and the Ex.PC was acquitted u/s 320 (8) Cr.P.C. by the court orders dt: 19-4-2004. Consequent on his acquittal he has submitted a representation to the Commandant for his reinstatement. However the request of the Applicant was rejected, as it was not on honorable acquittal since filing of compromise by both the parties amounts to admission of second marriage.
3. Aggrieved with the above, the petitioner has approached the Hon'ble APAT, in O.A.No. 6464/2005 and the Hon'ble Tribunal its order dated:14-12-2007 while allowing the petition has issued the following directions:

"The ground projected by the 2nd respondent is that it is not an honorable acquittal. The question of relevancy of honorable acquittal arises only when there is a departmental enquiry. Here absolutely there is no departmental enquiry against the applicant. So the concept of honorable acquittal cannot be imported here. Therefore the impugned order of the authorities is perverse and contra to the provisions of law and they are liable to be set aside.

In view of the answer to point No. 1 the applicant is liable to be set reinstated into service from the date of acquittal i.e 19-4-2004. As the respondent has failed to reinstate him into service and the lapses lie with the respondents they are bound to pay all the financial benefits to the applicant.

Therefore, the application is allowed The order of dismissal is set aside and the respondents are directed to reinstate the applicant into service w.e.f 19-4-2004 i.e the date on which he was acquitted in criminal case by the Lok Adalat and reinstatement orders shall be issued with in one week. The respondents shall pay all the financial benefits to the applicant from the date of acquittal within a period of 8 weeks from the date of receipt of this order"

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4. The DGP, AP, Hyderabad has requested the Government to issue further instructions in this regard with reference to the Govt. orders i.e (1) Memo.No. 169/Ser.C/77-8, Admn (Ser.C) Dept., Dt: 10-2-1978 and (2) Memo.No. 1317/Ser.C/88-1, Dt: 31-12-88 .
5. Government after careful examination of the matter, hereby decide to implement the orders of the Hon'ble APAT, Hyderabad, dated 14-12-2007 in O.A.No. 6464/2005.
6. The Director General of Police, Andhra Pradesh, Hyderabad is, therefore, requested to reinstate Sri M.Venkateshwalru, P.C. 1273 of SAR CPL, Amberpet, Hyderabad into service w.e.f 19-4-2004 i.e the date on which he was acquitted in criminal case by the Lok Adalat with all the financial benefits from the date of acquittal. He is also requested to initiate Departmental enquiry simultaneously against the applicant on the basis of misconduct on which he was previously convicted.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

P.V.NAIDU
PRINCIPAL SECRETARY TO GOVERNMENT

To
The Director General of Police, Andhra Pradesh, Hyderabad
The Director of Treasuries and Accounts, AP, Hyderabad

//Forwarded :: By order//

SECTION OFFICER